

EDWARD T. SWANSON

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March 7, 2014

Honorable Richard J. Sullivan
Thurgood Marshall United States Courthouse
40 Foley Square
New York NY 10007

Re: SEC v. Amerindo Investment Advisors Inc., et al.
05 Civ. 5231 (RJS) ECF CASE

Judge Sullivan:

The undersigned represents Ms. Lily Cates, who has an outstanding claim against Amerindo Investment Advisors Inc. Last week I filed with you and the Receiver (Ian Gazes), on behalf of Ms. Cates, as heir of her deceased mother, the attached letter and proof of claim with respect to Anna Gladkoff. Your clerk has requested that I provide this electronically as well, and I am therefore attaching a copy with this letter. I have filed a motion for admission pro hac vice to appear at the hearing on March 14, which motion currently is pending.

Very truly yours,

A handwritten signature in cursive script that reads "Edward T. Swanson". The signature is fluid and includes a long horizontal flourish at the end.

Edward T. Swanson

Enclosure
cc: Ms. Lily Cates

EDWARD T. SWANSON

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February 27, 2014

Via Federal Express

Honorable Richard J. Sullivan
Thurgood Marshall United States Courthouse
40 Foley Square
New York NY 10007

Ian J. Gazes, Receiver
Gazes LLC
151 Hudson Street
New York, New York 10013

Re: SEC v. Amerindo Investment Advisors Inc., et al.
05 Civ. 5231 (RJS) ECF CASE

Judge Sullivan and Mr. Gazes:

The undersigned represents Ms. Lily Cates, who has an outstanding claim against Amerindo Investment Advisors Inc. Ms. Cates, as heir of her deceased mother, hereby requests that the attached proof of claim with respect to her mother, Anna Gladkoff, be approved.

Lily remembered approximately one week ago that an account had been opened with Amerindo Investment Advisors Inc. on behalf of her mother, Anna Gladkoff, in January 2001. Only this afternoon was Lily able to locate any document relating to this account, namely a handwritten note from Heather at Alberto Vilar's office of Amerindo confirming receipt of the \$250,000. Her mother had sold her home in California in the fall of 2000 and had desired to invest \$250,000 with Amerindo. Alberto Vilar advised Lily that normally a new account needed to be at least \$500,000, but that this would be waived for Lily's mother. Consequently, after the house was sold, \$250,000 was delivered to Amerindo from the sale of the home to open the account. Lily has advised me that no funds were withdrawn from the account before or after her mother's death. Lily did not receive any statements for her mother's account. As indicated in the note, Amerindo was going to send to her mother's accountants. I have contacted the accountants to see whether they still retain any of the statements, but do not know whether any still exist. Nevertheless, I believe the letter confirms that such funds were delivered to Amerindo, and that this should be sufficient to establish this claim.

The Honorable Richard J. Sullivan
Ian J. Gazes, Receiver
February 27, 2014
Page 2 of 2

Consequently, I hereby request that a claim be approved with respect to Lily Cates, as heir to the deceased Anna P. Gladkoff, in the amount of \$250,000 plus estimated profits from January 16, 2001 through May 25, 2005. A Proof of Claim relating to Anna P. Gladkoff is attached, and includes a copy of the acknowledgement letter from Heather with respect to the funds in question.

Subject to the above claim, Ms. Cates hereby supports the Receiver's Amended Motion for an Order (A) Fixing Investor Claims and (B) Authorizing Interim Distribution. Mr. Gazes has been very thorough in analyzing the many claims in this matter, and I believe he has done an outstanding job.

Very truly yours,

A handwritten signature in black ink, reading "Edward T. Swanson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward T. Swanson

Enclosures

cc: Ms. Lily Cates

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

AMERINDO INVESTMENT ADVISORS INC.,
AMERINDO INVESTMENT ADVISORS, INC.,
AMERINDO ADVISORS UK LIMITED,
AMERINDO MANAGEMENT INC.,
AMERINDO TECHNOLOGY GROWTH FUND, INC.,
AMERINDO TECHNOLOGY GROWTH FUND II, INC.,
TECHNO RAQUIA, S.A.,
ALBERTO W. VILAR, and
GARY ALAN TANAKA,

Defendants.

05 Civ. 5231 (RJS)

ECF CASE

PROOF OF CLAIM FORM

Please fill in the information below and supply the supporting documents requested as an attachment to this proof of claim form. This should be received in hand by the Court appointed Receiver for Amerindo Investment Advisors (Panama) *et al.*, whose name and address is below, so as to be received in hand on or before September 20, 2013, 5:00 P.M. (Eastern Standard Time) by (a) certified mail, return receipt requested, or (b) overnight courier, or (hand delivery):

Ian J. Gazes, Esq.
Gazes LLC
151 Hudson Street
New York, New York 10013

Debtor means one or more of the Amerindo entities captioned above in which you gave Principal Funds.

Principal Funds means all funds given to the Debtor(s) and **NOT** returned to you.

Profits mean the appreciated value of the Principal Funds. By way of example only, earned interest if you held promissory notes and NOT paid to you.

If you are not sure of a fact, please so state the fact you are not sure about, and provide the best documentation you have including copies of Amerindo

statements for at least three months prior to and after the dates indicated below.

PART A

Please answer the questions below and submit together with this completed form any written agreements between you and the Debtor(s) as concerns the establishment and/or opening of an account with the Debtor(s) (include Amerindo statements for three (3) months prior to the date indicated and after) and Profits prior to May 25, 2005.

THIS PORTION OF THE PROOF OF CLAIM ONLY COVERS PRINCIPAL FUNDS AND PROFITS AS OF MAY 25, 2005

1. Your name, address, email address and phone number, including the name of any entity through which you provided Principal Funds with the Debtor(s). If your name or address had changed, please specify.
2. Name and address of Debtor(s) (Amerindo entity) in which you gave the Principal Funds and the intended Amerindo entity if the recipient entity is different.

Please specify and provide documents reflecting the transmittal of Principal Funds to the Debtor(s).

3. Details including the amount and supporting documentation related to Principal Funds you claim as of May 25, 2005 including any Amerindo statements for three (3) months prior to May 25, 2005 and after, if any:
4. Details including the amount and supporting documentation related to any Profits you claim as of May 25, 2005:
5. Did you receive any distributions from the Debtor on account of your Principal Funds you claim as of May 25, 2005?

If yes please specify any and all distributions and include any payments to third parties by the Debtor(s) on your behalf.

Please attach three (3) statements you received from the Debtor(s).

Please provide copies of all documents that support your claim as of May 25, 2005. Documents could include but are limited to promissory notes, itemized statements of your accounts, cancelled checks, wire transfer confirmations, letters, contracts, judgments, and security agreements. If the claim is secured please attached all document supporting same.

Please answer the questions below and submit together with this completed form any written agreements between you and the Debtor(s) as concerns the establishment and/or opening of an account with the Debtor and appreciated value after May 25, 2005.

PART B

THIS PROOF OF CLAIM ONLY COVERS PRINCIPAL FUNDS AND PROFITS AFTER MAY 25, 2005

1. Your name, address, phone number, and email address including the name of any entity through which you gave Principal Funds to the Debtor(s) after May 25, 2005. If your name or address had changed, please specify.
2. Name and address of Debtor(s) (Amerindo entity) in which you gave the Principal Funds and the intended Amerindo entity if the recipient entity is different. .

Please specify and provide documents reflecting the transmittal of Principal Funds to the Debtor(s).

3. Details including the amount and supporting documentation related to Principal Funds you claim after May 25, 2005 (please attach any statements you received after May 25, 2005):
4. Details including the amount and supporting documentation related to any Profits you claim after May 25, 2005:
5. Did you receive any distributions from the Debtor on account of your Principal Funds you claim after May 25, 2005?

If yes please specify any and all distributions and include any payments to third parties by the Debtor(s) on your behalf.

Please attach the last three (3) statements you received from the Debtor(s).

Please provide copies of all documents that support your claim after May 25, 2005. Documents could include but are limited to promissory notes, itemized statements of your accounts, cancelled checks, wire transfer confirmations, letters, contracts, judgments, and security agreements. If the claim is secured please attached all document supporting same.

Please redact all account numbers other than the last 4 digits on the statement including personal identification numbers such as social security numbers and business EIN numbers.

DO NOT SEND ORIGINAL DOCUMENTS.

Signature:

☐ I am the account owner ☒ I am the account owner's authorized agent

Please note that, although you may make a claim through an agent, you DO NOT NEED TO HAVE AN AGENT to make this claim, and pay or offer to pay an agent merely to make this claim or obtain payment on your account. Your claim will not be reduced if you do not have an agent.

Print Name: Edward T Swanson on behalf of Lily Cates,
Title: Attorney as heir to Anna
Company: _____
Email: etswanson@att.net P. Gladkoff
Telephone Number: 310-283-1035

Edward T Swanson
Signature

2-27-14
Date

If claim has been assigned please provide the following information:

Name of Assignee: _____
Address of Assignee: _____
Email of Assignee: _____
Tel No. Of Assignee: _____
Date of Assignment: _____

ATTACHMENT TO PROOF OF CLAIM ON BEHALF OF LILY CATES AS HEIR TO
ANNA P. GLADKOFF

1. Lily Cates, as heir to her mother Anna P. Gladkoff, deceased
c/o Edward T. Swanson, Esq.
2071 N. Altadena Drive
Altadena, CA 91001
Telephone: 310-283-1035
Email: etswanson@att.net
Facsimile: 866-397-0114
2. After Anna sold her home in late 2000, she delivered \$250,000 to Amerindo Investment Advisors Inc. in January 2001 to open an account in her name. Heather, who worked under Johanna Olsher in Alberto Vilar's office in New York City, confirmed receipt of the funds to Lily, who was acting as trustee for her mother. However, Lily never personally received any statements relating to this account, which apparently went directly to her mother's accountants.
- 2-5. A copy of the handwritten confirmation from Heather that Amerindo received the \$250,000 is attached. Lily has not been able to locate any statements from the accountants. Lily has confirmed that no funds were ever withdrawn from the account.

AMERINDO
INVESTMENT ADVISORS INC.

JOHANNA OLSHER
Office of Alberto W. Vilar
Tel: (212) 371-6360
Fax: (212) 753-3539
jolsher@amerindo.com

1.16.01

MRS CATES,
WE HAVE RECEIVED \$250,000.00
TO INVEST IN THE NAME OF;
MRS. ANNA P. GLADKOFF
c/o LILY CATES (TRUSTEE)
135 WEST 70 STREET
NEW YORK, NEW YORK

COPIES OF STATEMENTS WILL
BE SENT TO HER ACCOUNTANTS
BILL SHINE AND BOB CARILLO
ON A QUATERLY BASIS.

HEATHER